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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,661	04/12/2000	William T. Rowse	200-0053	5848

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EXAMINER

QUELLETTE, JONATHAN P

ART UNIT PAPER NUMBER

3629

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/547,661

Applicant(s)

ROWSE ET AL.

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7-14,38,40 and 42-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-14,38,40 and 42-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Claims 1, 4, 5, 7-14, 38, 40 and 42-45 are currently pending in application 09/547,661.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1, 5, 40, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiRienzo et al (US 6,076,066) in view of Nikon ("Nikon Offers Digital Laptop Camera," National Underwriter Property & Casualty-Risk & Benefits Management, p19, July 7, 1997), and further in view of Manheim Auctions ("Manheim Puts Vehicles on the Web," Automotive News, p.18, June 1, 1998).
4. As per independent Claim 1, DiRienzo discloses a system for processing a concern, the system comprising: a service station having a first computer and a digital camera assembly for capturing digital information related to the product concern; a reviewer station having a second computer for receiving the captured digital information from the service station and for determining how to address

the concern; and a communication port for connecting the first computer at the service station with the second computer at the reviewer station for transmitting information related to the concern including the captured digital information (C12 31-40). (Abstract, C11 L13-29, C11 L50-60, C12 31-52, C26 L8-33)

5. DiRienzo fails to expressly disclose a product concern, a removable digital camera, and wherein the captured digital information is automatically transmitted from the digital camera to the first computer upon placing the digital camera in electrical communication with the first computer with the service station.
6. Nikon teaches a digital camera which allows "insurance agents and investigators the ability to instantly capture and download images showing property damage and liability claim substantiation into a notebook computer." Nikon also teaches that the camera "slides directly into the laptop's personal computer card slot ... in seconds, full-color images appear on screen, ready to be emailed, printed or inserted into a document" ("Nikon Offers Digital Laptop Camera," National Underwriter Property & Casualty-Risk & Benefits Management, p19, July 7, 1997).
7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a product concern, a removable digital camera, and wherein the captured digital information is automatically transmitted from the digital camera to the first computer upon placing the digital camera in electrical communication with the first computer with the service station, as disclosed by Nikon in the system disclosed by DiRienzo, for the advantage of providing a system for processing a customer product concern with

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the ability to provide customers localized service through a portable service station.

8. Furthermore, DiRienzo and Nikon fail to expressly disclose an integrated digital camera and scanner unit for capturing digital information including one or more photographs and identifying indicia.
9. Manheim Auctions discloses an integrated scanner/digital camera station, which swipes the bar code information from a vehicle and automatically takes a digital picture – then forwards both the picture and vehicle information to a computer (“Manheim Puts Vehicles on the Web,” Automotive News, p.18, June 1, 1998).
10. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an integrated digital camera and scanner unit for capturing digital information including one or more photographs and identifying indicia, as disclosed by Manheim Auctions in the system disclosed by Nikon, in the system disclosed by DiRienzo, for the advantage of increasing the efficiency and effectiveness of the system by combining the information gathering sources into one integrated system.
11. As per Claim 5, *DiRienzo*, Nikon, and Manheim Auctions disclose wherein the at least one identifying indicia is watermarked onto the one or more photographs.
12. As per independent Claim 40, DiRienzo discloses a system for evaluating a concern during a real-time communication session, the system comprising: a first computer device for receiving data relating to a concern; digital camera device for capturing at least one image, respectively relating to the warranty concern; and a second computer device for receiving the information.

13. DiRienzo fails to expressly disclose wherein the product concern is a vehicle warranty concern, a scanner device configured to capture an identifier for the vehicle, and receiving the at least one image and the identifier via a communication network evaluation of the warranty concern during a real-time communication session.
14. As explained for independent Claim 1, Nikon teaches a digital camera which allows “insurance agents and investigators the ability to instantly capture and download images showing property damage and liability claim substantiation into a notebook computer.” Nikon also teaches that the camera “slides directly into the laptop’s personal computer card slot ... in seconds, full-color images appear on screen, ready to be emailed, printed or inserted into a document” (“Nikon Offers Digital Laptop Camera,” National Underwriter Property & Casualty-Risk & Benefits Management, p19, July 7, 1997).
15. Nikon does not expressly disclose using the system for a vehicle warranty concern, but as explained above, Nikon does suggest using the system for insurance agents and investigators, and it would be obvious to one of ordinary skill in the art at the time the invention was made to include a vehicle warranty concern in this groups, as it would be a commonly form product investigation.
16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the product concern is a vehicle warranty concern and receiving the at least one image and the identifier via a communication network evaluation of the warranty concern during a real-time communication session, as disclosed by Nikon, in the system disclosed by

DiRienzo, for the advantage of providing a system for processing a customer product concern with the ability to improve customer service by providing customers with localized service through a portable service station.

17. Furthermore, DiRienzo and Nikon fail to expressly disclose capturing an integrated digital camera and vehicle identification device for capturing at least one image and an identification for the vehicle.
18. Manheim Auctions discloses an integrated scanner/digital camera station, which swipes the bar code information from a vehicle and automatically takes a digital picture – then forwards both the picture and vehicle information to a computer (“Manheim Puts Vehicles on the Web,” Automotive News, p.18, June 1, 1998).
19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an integrated digital camera and vehicle identification device for capturing at least one image and an identification for the vehicle, as disclosed by Manheim Auctions in the system disclosed by Nikon, in the system disclosed by DiRienzo, for the advantage of increasing the efficiency and effectiveness of the system by combining the information gathering sources into one integrated system.
20. As per Claim 44, *DiRienzo*, Nikon, and Manheim Auctions disclose wherein the identifier is watermarked onto the at least one image (*DiRienzo*: Abstract, C14 L36-67, C15 L1-43).
21. As per Claim 45, *DiRienzo*, Nikon, and *Manheim Auctions* disclose wherein communication between one or more of the devices is via one or more cables (inherent to Manheim Auctions imaging station).

22. **Claims 7-9, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiRienzo in view of Nikon, in view of Manheim Auctions, and further in view of Bradbury (US 5,442,512).**
23. As per Claim 7, DiRienzo, Nikon, and Manheim Auctions fail to expressly disclose wherein the service station comprises a housing having a base and a base cover.
24. Bradbury teaches a system comprising: a housing having a removable service computer for receiving data indicative of a product concern (Abstract, C2 L3-43, C7 L53-59, C9 L22-23, Fig.1, Fig.9).
25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the service station comprises a housing having a base and a base cover, as disclosed by Bradbury, in the system disclosed by Manheim Auctions, in the system disclosed by Nikon, in the system disclosed by DiRienzo, for the advantage of providing a system for processing a customer product concern with the ability to improve system protection/effectiveness, by supplying a secure environment for portable system components.
26. As per Claim 8, DiRienzo, Nikon, Manheim Auctions, and *Bradbury* disclose wherein the base comprises a first recessed portion for receiving a computer.
27. As per Claim 9, DiRienzo, Nikon, Manheim Auctions, and *Bradbury* disclose wherein the base further comprises a second recessed portion for receiving the integrated digital camera and scanner unit.



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28. As per Claim 13, DiRienzo, Nikon, Manheim Auctions, and *Bradbury* disclose wherein the service station (housing) comprises a power supply for providing electrical power to the integrated digital camera and scanner unit.
29. As per Claim 14, DiRienzo, Nikon, Manheim Auctions, and *Bradbury* disclose wherein the service station (housing) comprises a battery charger for charging a battery included in the integrated digital camera and scanner unit for providing electrical power to same.
30. **Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiRienzo in view of Nikon, in view of Manheim Auctions, in view of Bradbury, and further in view of Harvey (US 6,208,507 B1).**
31. As per Claim 10, DiRienzo, Nikon, and Manheim Auctions fail to disclose wherein the second recessed portion further comprises a plurality of terminals for contacting a plurality of terminals on the integrated digital camera and scanner unit.
32. Harvey teaches a plurality of terminals for contacting a plurality of camera terminals on the digital camera assembly (Abstract, C1 L60-67, C2 L1-3, C2 L48-58, Fig.3, Fig.6).
33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of terminals for contacting a plurality of plurality of terminals on the integrated digital camera and scanner unit, as disclosed by Harvey, in the system disclosed by Bradbury, in the system disclosed by Manheim Auctions, in the system disclosed by Nikon, in the

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system disclosed by DiRienzo, for the advantage of providing a system for processing a customer concern with an interconnectable portable service station.

34. As per Claim 11, DiRienzo, Nikon, Manheim Auctions, Bradbury, and Harvey disclose wherein the plurality of terminals comprises a first set of terminals for communication with a first set of terminals for charging the integrated digital camera and scanner unit.

35. As per Claim 12, DiRienzo, Nikon, Manheim Auctions, Bradbury, and Harvey disclose wherein the plurality of terminals further comprises a second set of terminals for communication with a second set of terminals for transmitting data between integrated digital camera and scanner unit and the first computer.

**36. Claims 4, 38, 42, and 43 are rejected under 35 U.S.C. 103 as being unpatentable over DiRienzo, Nikon, and Manheim Auctions.**

37. As per Claims 4 and 42, DiRienzo, Nikon, and Bradbury do not expressly show wherein the at least one identifying indicia is a vehicle identification number.

38. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The product concern system would be performed regardless of the type of indicia used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the vehicle identification number as the

identifying indicia, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

40. As per Claim 38, DiRienzo, Nikon, and Bradbury do not expressly show wherein the product concern involves a warranty concern related to a vehicle.

41. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The product concern system would be performed regardless of what the warranty concern related to. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

42. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a warranty concern related to a vehicle, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

43. As per Claim 43, DiRienzo, Nikon, and Bradbury do not expressly show wherein the identification device is a barcode scanner.

44. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The product concern system would be performed regardless of what the type of identification device used. Thus, this descriptive material will not distinguish the claimed

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invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a barcode scanner as the identification device, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

#### ***Response to Arguments***

46. Applicant's arguments with respect to Claims 1, 4, 5, 7-14, 38, 40 and 42-45 have been considered but they are not persuasive. The rejection will remain as final, based on the cited prior art.
47. The applicant makes the argument that the prior art of DiRienzo in view of Nikon, and further in view of Manheim Auctions fails to disclose an integrated digital scanner and camera unit.
48. However, as explained in the rejection above, Manheim Auctions discloses an integrated scanner/digital camera station, which swipes the bar code information from a vehicle and automatically takes a digital picture – then forwards both the picture and vehicle information to a computer (“Manheim Puts Vehicles on the Web,” *Automotive News*, p.18, June 1, 1998). Thus, the digital camera and bar code scanner are working as an integrated unit, as the function of one depends on

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the function of the other, in order for the scanner/digital camera station (unit) to correctly operate.

49. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included capturing an identifier for the product using an integrated digital camera and scanner unit, as disclosed by Manheim Auctions in the system disclosed by Nikon, in the system disclosed by DiRienzo, for the advantage of increasing the efficiency and effectiveness of the system by combining the information gathering sources into one integrated system (station, unit).
50. The applicant has also made the argument that the use of a barcode scanner as an identification device is not nonfunctional descriptive material, because the barcode scanner is an identification device that uses unique technology in order to operate in a manner that falls within the scope of independent claim 40.
51. However, Independent Claim 40 simply discloses the use of an identification device used for capturing an identifier for the vehicle and associated with at least one image.
52. Therefore, as described in the rejection above, the product concern system would be performed regardless of what the type of identification device used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
53. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a barcode scanner as the identification device,

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because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

54. Furthermore, the prior art of Manheim Auctions actually discloses the use of a barcode scanner as an identification device used for capturing an identifier for the vehicle and associated with at least one image.

### ***Conclusion***

55. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
56. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
57. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

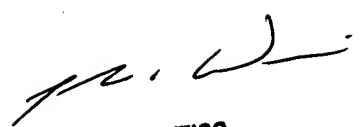
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September 22, 2004

  
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